

Docket No.: 4468-020



92 / 2133
PATENT JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s): TOMITA, MASAYUKI

U.S. Patent Application No. 09/901,150

Filed: July 10, 2001

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:
: Confirmation No.5837
:
: Group Art Unit: 2133
: Allowed: September 24, 2004
: Examiner: Baker, Stephen M.
:

For: BIT ERROR MEASUREMENT APPARATUS AND METHOD AND RECORDING
MEDIUM

REQUEST FOR ACKNOWLEDGEMENT OF THE CITED ART

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated September 24, 2004 .

In reviewing the file, it is noted that we have not received acknowledgement of the Information Disclosure Statement and cited art filed on August 31, 2004. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard acknowledgement.

Applicant hereby respectfully requests that:

- (1) the appropriately acknowledged PTO-1449 be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

Kenneth M. Berner

Kenneth M. Berner
Registration No. 37,093

Date: October 19, 2004
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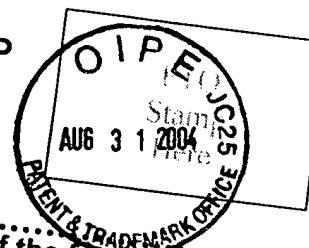


PATENT

LOWE HAUPTMAN GILMAN & BERNER, LLP

Docket No.: 4468-020
Date Filed/Issued: July 10, 2001

Appln No.: 09/901,150 Patent No.:
Applicant(s): TOMITA, MASAYUKI



The Stamp of the U.S. Patent & Trademark Office acknowledges receipt of the following:

- | | | | | | | |
|--|-------|----------|--|--|-------|----------|
| <input type="checkbox"/> Acknowledgement, Req. | _____ | No Fee | | <input checked="" type="checkbox"/> IDS/Form 1449/Ref(s) | _____ | |
| <input type="checkbox"/> Amendment/Response | _____ | \$ _____ | | <input type="checkbox"/> Issue/Publication Fee | _____ | \$ _____ |
| <input type="checkbox"/> Amendment After Final | _____ | \$ _____ | | <input type="checkbox"/> Maintenance Fee | _____ | \$ _____ |
| <input type="checkbox"/> Appeal Brief (in Triplicate) | _____ | \$ _____ | | <input type="checkbox"/> Missing Parts, Resp w/Dec. | _____ | \$ _____ |
| <input type="checkbox"/> Assignment | _____ | \$ _____ | | <input type="checkbox"/> Notice of Appeal | _____ | \$ _____ |
| <input type="checkbox"/> Certificate of Correction | _____ | No Fee | | <input type="checkbox"/> Oral Hearing, Req. | _____ | \$ _____ |
| <input type="checkbox"/> Change of Address | _____ | No Fee | | <input type="checkbox"/> Power of Attorney | _____ | \$ _____ |
| <input type="checkbox"/> Claim of Priority | _____ | \$ _____ | | <input type="checkbox"/> Priority Document(s) | _____ | No Fee |
| <input type="checkbox"/> Corr. Not. of Recordation, Req. | _____ | No Fee | | <input type="checkbox"/> Refund, Req. | _____ | No Fee |
| <input type="checkbox"/> Declaration, Subst/Supp | _____ | \$ _____ | | <input type="checkbox"/> Reply Brief (in Triplicate) | _____ | No Fee |
| <input type="checkbox"/> Drawing Revision, Req. | _____ | No Fee | | <input type="checkbox"/> Restriction/Election Response | _____ | No Fee |
| <input type="checkbox"/> Extension of Time, Petition | _____ | \$ _____ | | <input type="checkbox"/> Revoke Pwr Atty/New Appt. | _____ | No Fee |
| <input type="checkbox"/> Filing Rcpt, Req for Corr | _____ | No Fee | | <input type="checkbox"/> Status Inquiry | _____ | No Fee |
| <input type="checkbox"/> Formal Dwgs (# of Shts) _____ | _____ | \$ _____ | | <input type="checkbox"/> Terminal Disclaimer | _____ | No Fee |
| <input type="checkbox"/> RCE (Req for Continued Examination) | _____ | No Fee | | | | \$ _____ |
| <input type="checkbox"/> Other _____ | _____ | \$ _____ | | | | |
| <input type="checkbox"/> Check No. _____ | _____ | | | | | |

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Filed by: KMBiyr Amount \$ _____
Date: August 31, 2004



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Inventor(s): TOMITA, MASAYUKI

U.S. Patent Application No. 09/901,150

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: Group Art Unit: 2133
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: Examiner: BAKER, Stephen M.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of the Final Rejection or Notice of Allowance.

CERTIFICATION PARAGRAPH

The undersigned hereby certifies that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the

information disclosure statement (37 CFR 1.97 (e)(1)). A copy of the foreign search report is enclosed for the Examiner's information.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive, flowing style.

Kenneth M. Berner
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Date: August 31, 2004

GROUP
2133

[illegible]

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	0961437	12.01.1999	EP				
	96/17454	06.06.1996	WIPO				
	0637150	01.02.1995	EP				

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.